

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Pierluigi Pugliese

Serial No.: 10/693,470

Filed: October 24, 2003

For: SYSTEM AND METHOD FOR COLLECTING DEBUGGING AND
SYSTEM CRASH INFORMATION FROM A MOBILE PHONE

Group No.: 2617

Examiner: Dai Phuong Confirmation No. 2561

Mail Stop Appeal Brief-Patents

I hereby certify that this correspondence is being electronically filed
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/Elizabeth Schumacher/

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Sir:

APPELLANT'S REPLY BRIEF UNDER 37 C.F.R. §41.41

In response to the Examiner's Answer mailed July 26, 2007, the Appellant submits this Reply
Brief as required by 37 C.F.R. §41.41.

I. Reply to Examiner's Arguments

The Examiner notes that the Advisory Action was mailed on June 20, 2006 and not on June 30, 2006 as set forth in Appellant's brief. This was a typographical error. The Appellant agrees that the Advisory Action was mailed on June 20, 2006.

The Examiner reaffirms that Claims 1-6 and 10-25 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Application No. 20010049263 by Zhang in view of U.S. Patent Application No. 20040042604 by Hiltunen *et al.* (Hiltunen). On page 3 of the Examiner's Answer the statement is again made that "[i]n the same field of endeavor, Raivisto et al. disclose [sic] on a subscriber information module (SIM) card ([0033])." The Appellant believes that the typographical error referred to by the Examiner on the bottom of page 7 and top of page 8 of the Examiner's Answer has again been carried over in a "cut and paste" job and that this statement constitutes surplus language.

On page 8 of the Examiner's Answer, the Examiner takes issue with the Appellant's position that Hiltunen does not teach or suggest that a SIM card is provisioned or programmed with a routine for collecting data on an individual component or procedure embedded within a mobile communication apparatus. The Examiner refers to paragraph 0033 of Hiltunen as support for the position that a SIM card can be used to store information and act as a processor. It is noted that the data stored on the card can be used "... to control, modify or monitor the operation of the telephone in a conventional manner." Hiltunen does not describe what is meant by this language. There is no evidence or suggestion to establish that it is conventional to use a SIM card to collect data on individual components and procedures embedded in a mobile communications apparatus based on status quo information.

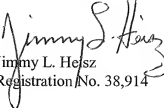
The Examiner strongly argues for the proposition that the combination of Zhang and Hiltunen “meet the claimed invention”. However, as pointed out above, neither Zhang nor Hiltunen teach or suggest that a SIM card can be used in any manner other than “as well known in the art”, as noted in paragraph 0033 of Hiltunen. There is no suggestion to combine the teachings and suggestions of Zhang and Hiltunen in the manner advanced by the Examiner, except by using the Appellant’s invention as a template for such combination through a hindsight reconstruction of Appellant’s claims. Raivisto also does not make such a teaching or suggestion. The remainder of the Examiner’s Answer addresses the appropriateness for combining references without overcoming the fundamental problem that Zhang, Hiltunen and Raivisto do not teach or describe the use of a SIM card to collect data on individual components and procedures embedded in a mobile communications apparatus based on status quo information. The Appellant has addressed this issue and asserts that such a combination is possible only with the benefit of hindsight.

II. Conclusion

For the reasons set forth above, Zhang, Hiltunen and Raivisto, or any combination thereof, do not render the claims on appeal obvious. Accordingly, the Appellants respectfully request that the Board of Patent Appeals and Interferences reverse the Examiner’s Final Rejection of all of the Appellant’s pending claims.

Respectfully submitted,

HITT GAINES, PC


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Dated: September 20, 2007